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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,412	03/12/2004	Tarek Radi	ALC 3120	5996

  

EXAMINER
LAM, HENRY S

  

ART UNIT	PAPER NUMBER
2616	

  

MAIL DATE	DELIVERY MODE
12/06/2007	PAPER

7590 12/06/2007  
KRAMER & AMADO, P.C.  
1725 Duke Street, Suite 240  
Alexandria, VA 22314

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/798,412

Applicant(s)

RADI ET AL.

Examiner

Henry Lam

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12 March 2004.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 22-24, 26 and 27 are rejected under 35 U.S.C.102(e) as being anticipated by **Bialk et al. (US 2004/0031059 A1)**.

For claim 22, **Bialk et al** disclose in a communication network provided with a NMS maintaining a network topology map with all network entities in the communication

network and with hierarchical information on location of the network entities, an EMS monitored and controlled by the NMS (para 0055), comprising:  
an EMS topology map including a subset of network entities and hierarchical information on location of the network entities in the subset (para 0054 & 0055, NMS interfaces with one or more EMSs and map the network entities and hierarchical information of location); means for receiving from the NMS a change request comprising topology change data; and means for changing the EMS map according to the topology change data (para 0082 & para 0098, updating between EMS and NMS).

For claim 23, **Bialk et al** disclose further comprising a user interface for enabling the EMS to receive a user request comprising the topology change data pertaining to a specified network entity in the subset of network entities (para 0092, topology change & update).

For claim 24, **Bialk et al** disclose further comprising means for automatically sending the user request to NMS (para 0082, automatically synchronized and update between NMS and EMS).

For claim 26, **Bialk et al** teach further comprising means for cyclically checking the state of the EMS, storing the change request whenever the EMS is temporarily in an 'off state', and providing the change request to the EMS when the EMS is back in an 'on state' (para

0043 & 0055, NMS map management data with EMS, and provide storing the change request whenever the EMS is temporarily in an 'off state').

For claim 27, **Bialk et al** disclose In a communication network provided with a NMS maintaining a network topology map and managing a plurality of EMS's, each maintaining a respective EMS topology map, a method of resynchronizing the EMS topology maps with the network topology map, comprising:  
receiving at the NMS a user request for a resynchronization of the network topology map with the EMS topology maps (para 0082, automatically resynchronized after update between NMS and EMS); identifying all EMS's affected by the request; automatically sending, from the NMS to each of the EMS's affected by the request, updating topology data relevant to the affected EMS; and updating each the EMS topology maps of each the affected EMS according to the updating topology data (para 0082 & para 0098, updating between EMS and NMS).

***New Claim Rejections - 35 USC § 103***

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bialk et al. (US 2004/0031059 A1)** in view of **Naik et al. (US 2003/0133556 A1)**.

For claim 1, **Bialk et al** disclose a communication network provided with a NMS maintaining a network topology map, and managing one or more EMS's, each EMS maintaining a respective EMS topology map, a method of synchronizing the NMS map with an EMS map (para 0055), comprising:  
receiving at the NMS a user request for a hierarchy altering operation, the user request

comprising topology change data (para. 0007, NIU allows user request comprising topology change); altering the NMS network map according to the topology change data in the user request (para 0092); automatically sending, from the NMS to the EMS, a change request comprising the topology change data; and updating the EMS map according to the change request (para 0082); except the verifying validity of the user request, and, whenever the user request is valid (para. 0036, user request);

**Naik et al** from the same or similar field of endeavor, teach the verifying validity of the user request, and, whenever the user request is valid (para. 0099, line 1)

Thus, it would have been obvious to someone of ordinary skill the art to combine the user request validation of **Naik et al** with the NMS of **Bialk et al** at the time of the invention. The method of using the user request validation is implemented as hardware, software or as firmware solutions of **Naik et al** into with the NMS of **Bialk et al**.

The rationale to combine the user request validation of **Naik et al** with the NMS of **Bialk et al** is that, it provides an access secure for network management system.

For claim 2, **Bialk et al** teach sending an acknowledgement from the EMS to the NMS to inform the NMS than the EMS map has been updated (para 0082 & para 0098, updating between EMS and NMS).

For claim 3, **Bialk et al** teach wherein the topology change data refers to adding, upgrading, moving removing, and/or renaming a network entity (para 0092, topology change & update).

For claim 4, **Bialk et al** teach wherein the network entity is a node group, a network node, and/or a network element (para 0092 & para 113, topology change for node group).

For claim 5, **Bialk et al** disclose all NMS characteristics; except further comprising providing an error message whenever the user request is invalid;

**Naik el al** from the same or similar field of endeavor, teach further comprising providing an error message whenever the user request is invalid (para 0220, lines 1-5);

Thus, it would have been obvious to someone of ordinary skill the art to combine an error message whenever the user request is invalid of **Naik el al** with the NMS of **Bialk et al** at the time of the invention. The method of using an error message whenever the user request is invalid is implemented as hardware, software or as firmware solutions of **Naik el al** into with the NMS of **Bialk et al**.

The rationale to combine an error message whenever the user request is invalid of **Naik el al** with the NMS of **Bialk et al** is that, it provides an error control in configure the network management system.



For claim 6, **Bialk et al** disclose all NMS characteristics; except wherein the step of verifying validity of the request comprises checking the syntax and the completeness of the user request.

**Naik et al** from the same or similar field of endeavor, teach wherein the step of verifying validity of the request comprises checking the syntax and the completeness of the user request (para 346, lines 1-6);

Thus, it would have been obvious to someone of ordinary skill the art to combine a syntax error and configuration check control of **Naik et al** with the NMS of **Bialk et al** at the time of the invention. The method of using a syntax error and configuration check control is implemented as hardware, software or as firmware solutions of **Naik et al** into with the NMS configuration of **Bialk et al**.

The rationale to combine a syntax error and configuration check control of **Naik et al** with the NMS configuration of **Bialk et al** is that, it provides an syntax error control in configure the network management system.

For claim 7, **Bialk et al** disclose all NMS characteristics; except wherein the step of verifying comprises checking a location identification data in the user request.

**Naik et al** from the same or similar field of endeavor, teach wherein the step of verifying comprises checking a location identification data in the user request (para 0169);

Thus, it would have been obvious to someone of ordinary skill the art to combine a location ID of **Naik et al** with the NMS of **Bialk et al** at the time of the invention. The

method of using a checking location ID is implemented as hardware, software or as firmware solutions of **Naik et al** into with the NMS configuration of **Bialk et al**.

The rationale to combine a location ID of **Naik et al** with the NMS configuration of **Bialk et al** is that, it provides secure in configure the network management system.

For claim 8, **Bialk et al** disclose all NMS characteristics; except wherein the location identification data provides the hierarchical location of a network entity to which the topology change data pertains.

**Naik et al** from the same or similar field of endeavor, teach wherein the location identification data provides the hierarchical location of a network entity to which the topology change data pertains (para 1236, lines2-14).

Thus, it would have been obvious to someone of ordinary skill the art to combine the method of using hierarchical location of a network entity of **Naik et al** with the NMS of **Bialk et al** at the time of the invention. The combine the method of using hierarchical location of a network entity is implemented as hardware, software or as firmware solutions of **Naik et al** into with the NMS configuration of **Bialk et al**.

The rationale to combine the method of using hierarchical location of a network entity of **Naik et al** with the NMS configuration of **Bialk et al** is that, it provides better visibility of network entities in configure the network management system.

For claim 9, **Bialk et al** disclose all NMS characteristics; except wherein the error message specifies that the user request includes invalid characters.

**Naik et al** from the same or similar field of endeavor, teach wherein the error message specifies that the user request includes invalid characters (para 0220, lines 1-5);

Thus, it would have been obvious to someone of ordinary skill the art to combine an error message and invalid characters whenever the user request is invalid of **Naik et al** with the NMS of **Bialk et al** at the time of the invention. The method of using an error message and invalid characters is invalid is implemented as hardware, software or as firmware solutions of **Naik et al** into with the NMS of **Bialk et al**.

The rationale to combine an error message and invalid characters of **Naik et al** with the NMS of **Bialk et al** is that, it provides an error control in configure the network management system.

For claim 10, **Bialk et al** disclose all NMS characteristics; except wherein the error message specifies that the user request includes incorrect location identification data.

**Naik et al** from the same or similar field of endeavor, teach wherein the error message specifies that the user request includes incorrect location identification data (para 0346, lines 1-6);

Thus, it would have been obvious to someone of ordinary skill the art to combine an error message incorrect location identification data of **Naik et al** with the NMS of **Bialk et al** at the time of the invention. The method of using an error message incorrect location

identification data is implemented as hardware, software or as firmware solutions of **Naik el al** into with the NMS of **Bialk et al**.

The rationale to combine an error message incorrect location identification data of **Naik el al** with the NMS of **Bialk et al** is that, it provides an error control in configure the network management system.

For claim 11, **Bialk et al** disclose all NMS characteristics; except wherein the incorrect location identification data comprises an incorrect network entity name, an incorrect specification of network entities hierarchy and/or a missing name for a network entity;

**Naik el al** from the same or similar field of endeavor, teach wherein the incorrect location identification data comprises an incorrect network entity name, an incorrect specification of network entities hierarchy and/or a missing name for a network entity (para 1073, lines 1-12);

Thus, it would have been obvious to someone of ordinary skill the art to combine the incorrect location identification data comprises an incorrect network entity name, an incorrect specification of network entities hierarchy and/or a missing name for a network entity of **Naik el al** with the NMS configuration management of **Bialk et al** at the time of the invention. The method of using the incorrect location identification data comprises an incorrect network entity name, an incorrect specification of network entities hierarchy and/or a missing name for a network entity is implemented as hardware, software or as firmware solutions of **Naik el al** into with the NMS configuration management of **Bialk et al**.

The rationale to combine the incorrect location identification data comprises an incorrect network entity name, an incorrect specification of network entities hierarchy and/or a missing name for a network entity of **Naik et al** with the NMS configuration management of **Bialk et al** is that, it provides an error control in configure the network management system.

For claim 12, **Bialk et al** teach further comprising, identifying at the NMS which EMS is affected by the user request, for selectively sending the change request to the affected EMS managing one or more affected network elements (para 0040 & 0082, NMS and EMS cross interchange management data and managing one or more affected network elements).

For claim 13, **Bialk et al** teach further comprising cyclically checking the state of the EMS, storing the change request whenever the EMS is temporarily in an 'off state', and providing the change request to the EMS when the EMS is back in an 'on state' (para 0043 & 0055, NMS map management data with EMS, and provide storing the change request whenever the EMS is temporarily in an 'off state').

For claim 14, **Bialk et al** disclose in a communication network provided with a NMS maintaining a network topology map, and managing one or more EMS's, each EMS maintaining a respective EMS topology map, a method of synchronizing the NMS map with an EMS map (para 0055), comprising:

receiving at the NMS a user request for a hierarchy altering operation, the user request comprising topology change data (para. 0007, NIU allows user request comprising topology change); altering the NMS network map according to the topology change data in the user request (para 0092); automatically sending, from the NMS to the EMS, a change request comprising the topology change data; and updating the EMS map according to the change request (para 0082); except the verifying validity of the user request, and, whenever the user request is valid (para. 0036, user request):

**Naik et al** from the same or similar field of endeavor, teach the verifying validity of the user request, and, whenever the user request is valid (para. 0099, line 1);

Thus, it would have been obvious to someone of ordinary skill the art to combine the user request validation of **Naik et al** with the NMS of **Bialk et al** at the time of the invention. The method of using the user request validation is implemented as hardware, software or as firmware solutions of **Naik et al** into with the NMS of **Bialk et al**.

The rationale to combine the user request validation of **Naik et al** with the NMS of **Bialk et al** is that, it provides an access secure for network management system.

For claim 15, **Bialk et al** disclose all NMS characteristics; except wherein the EMS disables any subsequent user requests involving the topology change data from the EMS, for enabling user request pertinent to the network entity from one localized place.

**Naik et al** from the same or similar field of endeavor, teach wherein the EMS disables any subsequent user requests involving the topology change data from the EMS, for enabling user request pertinent to the network entity from one localized place (0154).

Thus, it would have been obvious to someone of ordinary skill the art to combine a disable function of **Naik et al** with the NMS of **Bialk et al** at the time of the invention.

The method of using a disable function is implemented as hardware, software or as firmware solutions of **Naik et al** into with the NMS configuration of **Bialk et al**.

The rationale to combine a disable function of **Naik et al** with the NMS configuration of **Bialk et al** is that, it provides secure in configure the network management system.

For claim 16, **Bialk et al** disclose A NMS for a communication network (para 0055), comprising:

a network topology map comprising all network entities in the communication network and hierarchical information on location of the network entities (para 0055); a user interface for enabling the NMS to receive a user request comprising topology change data pertaining to a specified network entity (para. 0007, NIU allows user request comprising topology change); and means for generating from the user request a change request comprising the topology change data and automatically sending the change request to an EMS affected by the user request (para 0082); except means for verifying validity of the user request; means for changing the NMS map according to the topology change data whenever the user request is valid;

**Naik et al** from the same or similar field of endeavor, teach the means for verifying validity of the user request; means for changing the NMS map according to the topology change data whenever the user request is valid (para. 0099, line 1).

Thus, it would have been obvious to someone of ordinary skill the art to combine the user request validation of **Naik et al** with the NMS of **Bialk et al** at the time of the invention. The method of using the user request validation is implemented as hardware, software or as firmware solutions of **Naik et al** into with the NMS of **Bialk et al**.

The rationale to combine the user request validation of **Naik et al** with the NMS of **Bialk et al** is that, it provides an access secure for network management system.

For claim 17, **Bialk et al** teach wherein the hierarchical information on location of the network entities provides a location of a network element in the entire network, in a node group and/or in a network node (para 0092 & para 113, topology change for node group).

For claim 18, **Bialk et al** teach wherein the NMS map is stored in a NMS database (para 0098 & 0105, NMS map is stored in a NMS database).

For claim 19, **Bialk et al** teach further comprising means for identifying the EMS affected by the user request (para 0103, identifying the EMS affected by the user request).



For claim 20, **Bialk et al** disclose all NMS characteristics; except wherein the means for verifying validity of the user request comprises a set of EMS specific rules and limitations (para 0250, line 1; para 252, line 1; para 253, line 1; and para 255, lines 1-4);

**Naik et al** from the same or similar field of endeavor, teach wherein the means for verifying validity of the user request comprises a set of EMS specific rules and limitations (para 0250, line 1; para 252, line 1; para 253, line 1; and para 255, lines 1-4)

Thus, it would have been obvious to someone of ordinary skill the art to combine the user request validation of **Naik et al** with the NMS of **Bialk et al** at the time of the invention.

The method of using the user request validation is implemented as hardware, software or as firmware solutions of **Naik et al** into with the NMS of **Bialk et al**.

The rationale to combine the user request validation of **Naik et al** with the NMS of **Bialk et al** is that, it provides an access secure for network management system.

For claim 21, **Bialk et al** disclose all NMS characteristics; except wherein the means for verifying comprises a list of syntax errors, invalid characters, and empty node group names.

**Naik et al** from the same or similar field of endeavor, teach wherein the means for verifying comprises a list of syntax errors, invalid characters, and empty node group names (para 346, lines 1-6);

Thus, it would have been obvious to someone of ordinary skill the art to combine a syntax error and configuration check control of **Naik et al** with the NMS of **Bialk et al** at

the time of the invention. The method of using a syntax error and configuration check control is implemented as hardware, software or as firmware solutions of **Naik et al** into with the NMS configuration of **Bialk et al**.

The rationale to combine a syntax error and configuration check control of **Naik et al** with the NMS configuration of **Bialk et al** is that, it provides an syntax error control in configure the network management system.

For claim 25, **Bialk et al** disclose all NMS characteristics; except further comprising means for disabling any subsequent user requests involving the topology change data from the EMS, for enabling user request pertinent to the network entity from one localized place.

**Naik et al** from the same or similar field of endeavor, teach further comprising means for disabling any subsequent user requests involving the topology change data from the EMS, for enabling user request pertinent to the network entity from one localized place (para 0154);

Thus, it would have been obvious to someone of ordinary skill the art to combine a disable function of **Naik et al** with the NMS of **Bialk et al** at the time of the invention.

The method of using a disable function is implemented as hardware, software or as firmware solutions of **Naik et al** into with the NMS configuration of **Bialk et al**.

The rationale to combine a disable function of **Naik et al** with the NMS configuration of **Bialk et al** is that, it provides secure in configure the network management system.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Sanjay M. Gidwani** (US 6,640,239 B1) and **Rosener et al** (US 2002/0028655 A1) are all cited to show systems which are considered pertinent to the claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Lam whose telephone number is (571) 270-3122. The examiner can normally be reached on Monday to Friday 8:00AM to 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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HL

  
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SUPERVISORY PATENT EXAMINER